

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption as amended, pursuant to and consistent with the Rules of Practice in Patent Cases, and in light of the remarks which follow, is respectfully requested.

By the present amendment claims 109 and 118-120 have been amended and claims 111, 112, 175, and 181 have been canceled, so that claims 109, 110, 117-121, 170, 172-174, and 177-180 will be pending upon entry of the present amendment.

Claims 112, 121, 175, and 181 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 109 has been amended to include the subject matter of allowable claim 112, claim 120 has been amended to include the subject matter of allowable claim 121, and claims 118 and 119 have been amended to correct claim dependency. Accordingly, no new matter has been entered by the present amendments.

Claims 109-111, 113, 117-120, 170-174, 177-180 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is said not to be in possession of any antigen-binding proteins that inhibit the binding to a hepatic stem cells GCTM-5 antibody.

Claims 109-113, 117-121, 170, 172-175, 177-181 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection.

Applicant has amended the pending claims to recite that the antigen-binding protein is a GCTM-5 antibody or an antigen-binding portion thereof, in accordance with the allowable subject matter of claims 112, 121, 175, and 181. Accordingly, withdrawal of the record rejections under 35 U.S.C. §112, first paragraph is respectfully requested.

Claims 109-111, 115-120 stand rejected under 35 U.S.C. §102(b) as being anticipated by Emerson et. al (Blood, 1989, v.74, pages 49-55). This rejection is respectfully traversed.

As noted above, independent claims 109 and 120 have been amended to recite the allowable subject matter of claims 112 and 121, respectively. Claims 110 and 117-119 depending from claim 109 are likewise patentable. Withdrawal of the record rejection under 35 U.S.C. §102(b) as being anticipated by Emerson and allowance of said claims is respectfully requested.

Claims 170, 172-174 and 177-180 stand rejected under 35 U.S.C. §103(a) as being obvious over Emerson et. al (Blood, 1989, v.74, pages 49-55) in view of U.S. Patent No. 4,281,061. This rejection is respectfully traversed.

As noted above, independent claim 109 has been amended to recite the allowable subject matter of claim 112. Claims 170, 172-174 and 177-180 depend from claim 109 and are likewise patentable. Moreover, claims 170, 172-174 and 177-180 are patentable for the same reasons claims 175 and 181 were deemed allowable. Withdrawal of the record rejection under 35 U.S.C. §103(a) as being obvious over Emerson in view of U.S. Patent No. 4,281,061 and allowance of said claims is respectfully requested.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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